

Notice of Allowability

Application No.

10/059,219

Examiner

K. Cyrus Kianni

Applicant(s)

KAWASHIMA, SATOSHI

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/21/04.
2. ☒ The allowed claim(s) is/are 3-9.
3. ☒ The drawings filed on 31 January 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

- Applicant's canceling of claims 1-2 and 10-13 in the amendment/response submitted on 12/21/04 is acknowledged.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Tanner on 1/18/05.

Please in page 1 of the application, in a line after the title of the invention insert:

This application, Under Title 35, U.S. Code §119, claims the priority benefit of Japanese Patent Application No. 2001-27122 filed on February 2, 2001.

Reason for Allowance

2. Claims 3-9 are allowed for the following reasons:

The instant application is deemed to be directed to a nonobvious improvement over the invention patented in Pat. No. Kubo et al. (US 6456279).

Claim 3 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious the substance is gel in combination in combination with the rest of the limitations of the base claim.

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Claim 4 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious the substance is liquid in combination in combination with the rest of the limitations of the base claim.

Claim 5 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious the substance is gaseous substance in combination in combination with the rest of the limitations of the base claim.

Claim 6 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious the cushioning material is of a gel substance in combination with the rest of the limitations of the base claim.

Claim 7 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious the cushioning material is of a liquid substance in combination with the rest of the limitations of the base claim.

Claim 8 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious the cushioning material is of a gaseous substance in combination with the rest of the limitations of the base claim.

Claim 9 is allowed because the prior art of record, taken alone or in combination, fails to disclose or render obvious the cushioning material comprises a plurality of transparent elastic members in combination with the rest of the limitations of the base claim.

The cushioning material is the essential limitation of the invention that is used mainly as a protector/shock-absorbent layer of the transparent cover against possible damages in a rough/undesirable environment (i.e., closing and/or bending of the cover; see abstract). Kubo only passively refers to layer 40F as smoothing layer of the

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transparent electrode 40D. Nevertheless, in combination with the rest of the limitations of the base claim Kubo and other prior art of the record alone or in combination fail to meet the above specified limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Cyrus Kianni whose telephone number is (571) 272-2417.

The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached at (571) 272-2415.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry)

or:

Hand delivered responses should be brought to Crystal Plaza 4, 2021 South Clark Place, Arlington, VA., Fourth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'K. Cyrus Kianni', with a long, sweeping horizontal line extending to the right.

K. Cyrus Kianni
Patent Examiner
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January 18, 2005